

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET ESTIMATES 2017

Federal Court of Australia

Question No. BE17-208

Senator McKim asked the following question on 18 August 2017:

Senator McKIM: I want to ask about the appointment in May 2016 of Executive Director, People, Culture and Communications. What is the remuneration for that position, including superannuation?

Mr Soden: I would have to take that on notice. I don't have that detail with me here today.

Senator McKIM: You don't have the pay scales of everyone in the organisation with you today.

Mr Soden: No, there are nearly 1,200 people across the organisation; I don't have that precise detail. I'm happy to take that on notice.

Senator McKIM: Do you have the pay scales of the senior people in the organisation?

Mr Soden: Not with me, no. I will have to take that on notice.

Senator McKIM: Thank you. What is that position classified as, and is it classified as a Federal Court manager level 2?

Mr Soden: It's an SES position.

Senator McKIM: So Federal Court Manager Level 2 is not an SES position; is that your evidence?

Mr Soden: Yes, there are SES that are above level 2 positions in the federal structure. A Federal Court level 2 is below SES.

Senator McKIM: Notwithstanding the title of that position—Executive Director, People, Culture and Communications—would it be fair to say that that is a human resources position?

Mr Soden: It has a HR focus, yes, that's correct.

Senator McKIM: Are you able to inform the committee what the remuneration was for the senior HR positions in each organisation prior to the merger?

Mr Soden: I could take that on notice but, with a bit of background, the new HR role is for the new entity of 1,200 people compared to the former HR role for an organisation that had about 300 people. So the new HR role is a very large role across a large entity following the merger of the Corporate Services and now the inclusion of the two courts and the NNTT. It's a much larger role.

Senator McKIM: I appreciate that, but would you please take on notice and provide the committee with the remuneration of the senior HR positions in the three separate organisations prior to the merger?

Mr Soden: I'm happy to do that. The other thing I have been reminded about is that the new role is just not HR; it has libraries across all the courts and communications as part of Corporate Services. So it is a much bigger role.

Senator McKIM: I appreciate that. Was that position advertised and, if so, when?

Mr Soden: Yes. About four months ago it was advertised. I can certainly take on notice the details of precisely when, and the process was the usual recruitment process in the public sector following that advertising.

Senator McKIM: Did you say it was advertised about four months ago?

Mr Soden: Yes.

Senator McKIM: When was the appointment made?

Mr Soden: Shortly thereafter, I would have thought. Those processes aren't quick. It would include a representative of the Public Service Commission on it, being an SES, of course, and I understand it was about one month ago that the formal appointment was actually made.

Senator McKIM: Was someone acting in the position before the appointment was made?

Mr Soden: Yes, Mr Moy was acting in the position.

Senator McKIM: Was he the current—

Mr Soden: The person who was successful in being appointed, yes

Senator McKIM: Was that Mr Boyd?

Mr Soden: Moy, M-O-Y.

Senator McKIM: When was Mr Moy appointed to act in that position?

Mr Soden: Again I would have to take that on notice, but it would be in 2016.

Senator McKIM: Was Mr Moy inside the organisation, prior to being appointed to—

Mr Soden: No, he wasn't.

Senator McKIM: Was there any process to select Mr Moy to act in that position?

Mr Soden: From memory there was a need to identify a person who had high-level HR, organisational change

skills. We engaged Mr Moy quite quickly. I can't remember the details of the actual process.

Senator McKIM: Could you to take that on notice?

Mr Soden: We could take that on notice.

Senator McKIM: You can take this on notice if you need to: what was the remuneration for Mr Moy while he was acting in the role, prior to his formal appointment.

Mr Soden: I will have to take that on notice.

The response to the honourable Senator's question is as follows:

Question: I want to ask about the appointment in May 2016 of Executive Director, People Culture and Communications. What is the remuneration of that position, including superannuation?

Mr Moy was appointed to a non-ongoing position of Transition Director of Human Resources in April 2016 and started with the Court 26 April 2016. The contract for the position was for one year and the salary was \$129,018, with an Individual Flexibility Arrangement (IFA) under the Federal Court of Australia Enterprise Agreement 2011 – 2014, with a further salary payment of \$70,982, taking the overall salary to \$200,000 plus superannuation of 15.4% as outlined in the Enterprise Agreement. This salary was in line with the base salary, prior to any bonus payments from the employee's previous employer.

Question: Do you have the pay scales of the senior people in your organisation?

Table A: Remuneration paid to senior executive staff

Total remuneration	Executives No.	Average reportable salary \$	Average contributed superannuation \$	Average allowances \$	Average bonus paid \$	Average total remuneration \$
\$200,000 and less	1	82,517	12,689	0	0	95,206
\$225,001 to \$250,000	7	199,671	33,660	0	0	233,331
\$250,001 to \$275,000	4	220,212	38,310	0	0	258,522
\$275,001 to \$300,000	2	241,279	43,265	0	0	284,544
\$300,001 to \$325,000	2	271,077	42,840	0	0	313,917
\$325,001 to \$350,000	1	304,135	41,476	0	0	345,611
\$475,001 to \$500,000	1	417,787	61,032	0	0	478,819
Total of highly paid staff	18	1,736,678	273,272	0	0	2,009,950

Table B: Remuneration paid to highly paid staff

Total remuneration	Highly paid staff No.	Average reportable salary \$	Average contributed superannuation \$	Average allowances \$	Average bonus paid \$	Average total remuneration \$
\$200,001 to \$225,000	3	187,381	29,476	0	0	216,857
\$225,001 to \$250,000	3	206,305	32,200	0	0	238,505
\$250,001 to \$275,000	1	220,529	31,843	0	0	252,372
\$275,001 to \$300,000	1	252,452	31,976	0	0	284,428
\$300,001 to \$325,000	1	254,860	46,258	0	0	301,118
\$350,001 to \$375,000	1	322,930	37,126	0	0	360,056
Total of highly paid staff	10	1,444,457	208,879	0	0	1,653,336

Question: Are you able to inform the committee what the remuneration was for the senior HR positions in each organisation prior to the merger?

The Federal Court had an Acting Director of HR earning an annual salary of \$116,000, who was assisted part time by another Director of HR (the former incumbent) who was receiving remuneration based on an annual salary of \$129,018, who was carrying out duties consistent with the Director position, related to enterprise bargaining and issues related to the merger of the Corporate Services function. Both roles attracted superannuation of 15.4%. The Family Court had a Director of Human Resources classified as an EL2 with a salary of \$123,684 varied by contract to an overall salary of \$138,082 plus superannuation of 15.4%. The new HR role is a very large role across an entity of now 1200 people following the merger of the Corporate Services. The new role is also broader than the previous role as it also has responsibility for Library Services and Communications across the broader Entity.

Question: I appreciate that. Was that position advertised and if so when?

The newly created position of Executive Director, People Culture and Communications, which has overall responsibility for Human Resources, Library Services and Communications was advertised 1 May to 15 May 2016 on APS Jobs, Federal Court website and Seek.

Question: When was the appointment made?

10 July 2017.

Question: When was Mr Moy appointed to act in that position?

Mr Moy was appointed to act in the position 9 February 2017.

Question: Was Mr Moy inside the organisation, prior to being appointed to the position?

Yes.

Question: Was there any process to select Mr Moy to act in that position?

Yes. The position was advertised within 3 months of the position being created and Mr Moy was considered to be suitable for the role in the interim period.

Question: What was the remuneration for Mr Moy while he was acting in the role, prior to the formal appointment?

Mr Moy's salary did not change from 9 February 2017 when he started to act in the role. His salary was varied to include an annual car allowance of \$22,000 from 25 April 2017 when his original 12 month contract expired and an interim Determination was developed until the selection process was completed. The selection process determined that Mr Moy was the preferred candidate when the acting arrangement ceased which was 10 July 2017.